

CWIS STAKEHOLDERS MEETING

APRIL 14, 2016

PHASE II RULE

TCEQ: Rule Summary. Phase II applicability has three criteria: (1) applies to existing power plants or manufacturing facilities regulated through a TPDES permit; (2) with a cumulative design intake flow of > 2 MGD from WOS, with 1 or more CWIS; and (3) using ≥ 25% of actual water withdrawn for the facility exclusively for cooling water purposes.

TCEQ: Rule applicability and exemptions, discussion aimed at Independent Suppliers, and Public Water Systems (PWSs). Independent Suppliers and PWSs are not subject to the rule.

SH [Stakeholder]: What constitutes the total flow of a supplier. Is it the total permitted withdrawal or the portion of the total allocated to the particular facility to which the rule applies? The TCEQ is currently interpreting the rule as the total permitted flow of the supplier.

SH: Applicability of make-up water intake structures, which can be supplied by a third party. For example, suppose the facility/CWIS meets BTA for impingement, what about entrainment?

TCEQ: Updates RE: Worksheet 11.0. Section 11.1 is still open for comment. Section 11.2 applies to existing facilities and determining if the rule's extensions (grace period) for the due date applies. He cautioned that the extension due dates vary depending on the issuance date of the TPDES renewal.

Q/A

SH [comment]: Regarding Phase I implementation, many facilities already meet the criteria; therefore, some of the worksheet questions are unnecessary. It is important to have the documentation of such in the permit fact sheet for EPA review.

SH: Is there a checklist for CCRS? The worksheet questions essentially constitute a checklist for CCRS.

SH: Could a flow chart be provided? A flow chart will be developed, based on a template developed for the TPDES permit review process.

SH: Update application Instructions regarding Worksheet 11.0? Yes, there will be an updated/revised version. TCEQ plans to end comments by May 13, then 30 days for revised version.

TCEQ: Application Waivers, such as impoundments or CCRS facilities with no endangered species.

TCEQ: Entrainment Sampling Study Plan. The study should include all elements listed in the rule, including:

- Qualified entity conducting the study
- Through-screen velocities
- Previous data submittal (up to 10yrs previous)
- Characterization of the "Area of Influence"
- Sampling to account for seasonal/flow variability
- Sampling Methods
- Length of study (min. 2 yrs.)
- Source water characterization including physicochemical, aerial imagery, depth profiles, location of intake, and results.

TCEQ: Litigation update regarding the Rule and a final decision. Due Feb. 2017, at which time we will know how EPA will interpret the Rule.

Q/A

SH [comment]: Independent supplier portion of the Rule and Env. Groups

SH [comment]: Will TCEQ develop criteria for entrainment waiver?

SH [comment]: What's the long-term monitoring requirement for these facilities (e.g. those that have not entrained any org's for years)?

SH [comment]: Related to No. 2 above, Lyle stated that the Rule intended to look at populations of organisms.

SH [comment]: Validation of studies using TPW data? Yes, and other studies can be submitted, too.

SH [comment]: Every 5 years? Once establish BTA, then should not have to resubmit, perhaps insert a worksheet question, "Have there been any significant changes in cooling structure."

SH [comment]: Point of Compliance. Make-up water versus intake water as these can be two WOS sources entirely.